



## Thailand

### Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 31, 2003

Thailand is a democratically governed constitutional monarchy. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or to dissolve the elected bicameral Parliament. In February 2001, a coalition Government, led by Prime Minister Thaksin Shinawatra's Thai Rak Thai Party, was formed following the January general elections. The election process was viewed as free and fair; however, it was marred by widespread vote buying, and the killing of some political canvassers during the campaign. The judiciary was independent, but sometimes was subject to corruption.

The armed forces were subject to civilian control and their influence in politics has diminished considerably in recent years. Elements of both the armed forces and the police had a reputation for corruption. Some members of the security forces committed serious human rights abuses.

The country has a population of approximately 62.3 million. It is a developing country with a market-based economy and a strong tradition of private enterprise, although state enterprises play a significant role in some sectors. Gross domestic product (GDP) growth was estimated to be between 4 and 4.5 percent for the year. Annual per capita income was approximately \$1,840. Approximately 60 percent of the population was employed in the agricultural sector, although agriculture only accounted for approximately 9 percent of the GDP. Although government regulation generally provides protection for individual economic interests, including property rights, there was a lack of transparency in bureaucratic decision-making and some areas of Government remained subject to corruption.

The Government generally respected the human rights of its citizens; however, significant problems remained in several areas. Police officers killed a number of criminal suspects while attempting to apprehend them. Suspected narcotics traffickers and users were most often the victims of deadly police force. The Government remained reluctant to prosecute vigorously those who committed such abuses, contributing to a climate of impunity. Police occasionally beat suspects to coerce confessions. An ingrained culture of corruption persisted in many parts of the civilian bureaucracy and in some units of the security forces. Routine demands for bribes undermined the rule of law and permitted the continuation of various illegal activities including trafficking in persons, sexual exploitation, and prostitution. Conditions in prisons and some provincial immigration detention facilities were poor due to severe overcrowding. Lengthy pretrial detention and the prolonged detention of some aliens remained problematic. The judiciary suffered from corruption and at times security forces infringed on citizens' privacy rights. The Government threatened to revoke visas of two foreign journalists critical of public officials, and the media practiced some self-censorship and experienced some editorial interference by the Government. There were some restrictions on freedom of movement. The Government hindered the activity of some human rights groups. The 1997 Constitution increased legal protections for women and persons with disabilities; however, some inequities in the law remained. Violence and societal discrimination against women were problems. Societal discrimination against hill tribes and religious and ethnic minorities persisted. There were reports of forced labor and child labor. Trafficking in women and children and coerced prostitution were serious problems. Thailand was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings during the year by government agents; however, legal organizations, reputable nongovernmental organizations (NGOs), and the press continued to report that some police officers used unwarranted lethal force to apprehend criminal suspects. Armed alleged drug traffickers in particular continued to confront and threaten police officers and other security personnel. Officers used deadly force during such confrontations. According to government statistics, between October 2001 and September, 112 persons were killed while being placed under arrest.

However, NGOs alleged that government figures underestimated the true number of persons killed while being apprehended by security forces.

In the past, when the Government investigated extrajudicial killings, it prosecuted few of the accused police or military officers. Senior prosecutors and NGO legal associations claimed that most cases eventually were dismissed because regulations outlined in the Criminal Code required public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution. Routine exoneration of police officers contributed to a climate of impunity that was a significant factor in preventing any major change in police behavior. It also discouraged relatives of victims from pressing for prosecution. However, in June 2000, new procedures for investigating suspicious deaths, including deaths occurring in police custody, took effect as part of the amended Criminal Procedure Code. The code requires, among other things, that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that family members have legal representation at the inquests. Thus far the effects of the reforms appeared limited. The most notable case reflecting a changed climate concluded in May 2000 before the reforms officially entered into effect; at which time 10 policemen were sentenced to life imprisonment for the 1994 killings of 4 municipal officials. Families rarely took advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrest. If pursued by the family, the case is handled by the same office, in some instances by the same prosecutor, who already has ruled that no criminal action occurred. There was no information available to determine how many cases were settled out of court. However, in cases in which suits were filed, the official charged often compensated the family of the deceased, and the lawsuit was waived. Compensation paid varied widely, from as low as \$3,490 (150,000 baht) to \$69,770 (3 million baht).

During the year, Chiang Rai police allegedly killed villagers in Chiang Rai Province who were suspected of drug trafficking (see Section 5). Villagers recently told a media representative that a drug suspect was taken from his home in May 2001 and beaten to death by police. His wife said police demanded money in exchange for his release. In August 2001, another drug suspect reportedly was killed by Mae Chan district police. Although the Chiang Rai police stated they would investigate the allegations and urged the victim's families to file complaints, no one had done so by year's end.

According to the Government, between October 2001 and September of this year, 48 persons died while in police custody. In May a man arrested on rape charges in Suratthani died in detention. Relatives accused the police of beating him to death whereas the police maintained that other detainees held in the same cell killed him. In July a man arrested for theft died while in detention at the Suratthani police station. The police stated that he died of natural causes, but a forensic pathologist in Bangkok reported that he was beaten to death. The police officer in charge of the Suratthani station was relieved of duty and the National Human Rights Commission (NHRC) launched an investigation into both deaths.

Between December 2001 and August, at least 17 police officers were killed in a series of attacks on police checkpoints, booths, or patrols. Local authorities blamed the violence on drug traffickers and local gangs.

In December 2001, soldiers assigned to a counternarcotics unit in Chiang Rai Province physically abused at least five suspected drug addicts, all of whom were members of minority hill tribe groups (see Section 5). One of the victims died as a result of the abuse after being taken to the hospital by his interrogators. Two sergeants subsequently were convicted of brutality and sentenced to several months in prison by a military court. The Royal Thai Army (RTA) paid the victim's widow \$340 (15,000 baht) in compensation, and the soldiers involved were reassigned. While RTA authorities initially denied any wrongdoing, senior RTA officials, including the former Army Chief General Surayud Chulanont publicly acknowledged that mistreatment, including at least one death and an unknown number of beatings, had occurred at the military camp. A probe was launched by the former RTA Region Three Deputy Commander Major General Pichanment Muangmanee. On December 7, 2001, relatives of hill tribe drug addicts reported that those addicts who arrived at a RTA sponsored drug detoxification camp were forced down a hole where water and ashes were poured on them. They were left in the hole for several hours. That night they were blindfolded and led off separately for questioning about their alleged connection with drug traffickers. The addicts told their families and reporters that soldiers used electrical shocks and beat at least one of them in order to extract a confession. The complaints gained credibility following General Surayud's admission of the mistreatment by the Third Army's Pha Muang Task Force. According to NGOs, many other suspected drug users and traffickers may have been beaten during interrogations conducted by soldiers and police officers.

During the year, human rights NGOs alleged that police in some provinces formed their own killing teams to target drug traffickers. There were also reports that police officers were ordered to kill drug traffickers in response to killings of police. There were 25 killings of political canvassers during the election campaigns leading up to the January 2001 general election and the March 2000 Senate elections. All of the victims worked for political parties; however, although some of the killings apparently were motivated politically, most appeared to be the result of personal disputes. The police arrested several persons in connection with killings that were motivated by both political and private disputes. Investigations of these cases continued at year's end (see Section 3).

In past years, conflicts along all four of the country's borders as well as internal insurgency resulted in the placement of landmines in some border areas. At least 170 persons in border villages were killed or injured in landmine or unexploded ordnance incidents each year, although this figure likely underestimated the total number of mine casualties because of incomplete record-keeping at hospitals. Most landmine and unexploded ordnance victims were males between 20 and 40 years of age, who were collecting subsistence foods or forest products in forested or unused land. The Government was committed strongly to removing all landmines, unexploded ordnances, and destroying all remaining stocks of mines.

## b. Disappearance

There were no reports of politically motivated disappearances during the year.

Early in the year, the Government released the results of two investigations into the 1991 disappearance of Labor Congress of Thailand President Thanong Po-an. The investigations were conducted by the House Justice and Human Rights Standing Committee and the Ministry of Interior, and were made public after activists filed a request under the Official Information Act in 2001. Unfortunately, the reports failed to provide any additional information about the fate of the disappeared labor leader. In August members of the parliamentary Labor and Social Welfare Committee held new hearings on the disappearance and pledged to conduct a new investigation into the case. However, there were difficulties obtaining police and army witnesses for committee hearings. In addition, by year's end, the RTG had not responded to a request for an explanation into Thanong's disappearance submitted by the U.N. High Commission on Human Rights (UNHCHR). In late January, the case formally was accepted by an independent committee chaired by former PM Anand Panyarachun, which has the power to provide compensation and recover remains, but not to bring perpetrators to justice.

In February 2000, following border clashes involving Burmese, Thai, and Karen forces, a large group of Karen crossed into the country seeking safety. Some of the Karen fighters were associated with a small splinter group, commonly referred to as God's Army. The Thai military reportedly separated 55 males from the group. The family members of those 55 males have had no word from them since that time. There were allegations that the 55 men were executed. However, no physical evidence was provided to support these claims. The Thai military stated that the group of 55 males voluntarily returned to Burma to continue their fight against the Burmese army.

In May 2000, as a result of a request made under the Official Information Act by the victims' families, the Government released the Defense Ministry's report on the military forces' suppression of political demonstrations in May 1992. The report provided no new information on the whereabouts of the remaining 38 prodemocracy protesters still listed as missing. In May activists marked the 10-year anniversary of the disappearances with renewed calls for the Government to provide more information on the fate of the 38 missing protesters. Most of those who disappeared, if not all of them, were presumed dead by family members and NGOs.

## c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Criminal Code prohibit such practices; however, NGOs and legal organizations continued to report that some members of the police occasionally beat suspects to coerce confessions. During the year, there were newspaper reports of 11 cases in which citizens accused police of brutality, threatening false charges, and extorting bribes. Investigations were undertaken in most of the cases, including several in which the accused police officers were suspended pending the result of the internal investigation. Authorities also investigated and prosecuted police officers accused of raping and extorting sex from female suspects in detention.

There were reports of police beatings of Akha villagers in Chiang Rai and of the mistreatment of other hill tribe villagers by army personnel in an RTA sponsored drug detoxification camp (see Sections 1.a. and 5).

In March two female refugees from Burma accused three soldiers of raping them in the woods outside of a refugee camp in Mae Hong Son Province. One of the alleged victims was 15-years-old and the other victim was 20-years-old at the time of the assault. The accused were standing trial at year's end. In May a migrant laborer from Burma accused a Border Patrol Police officer of sexually abusing her while she was detained for trying to enter the country illegally. The police opened an investigation into the incident. The case was dropped when the victim withdrew her complaint. In September a female detainee at a Bangkok police station accused a police officer of raping her while she was in custody. The officer was suspended from duty and detained without bail; the incident remained under investigation at year's end and was expected to be forwarded to the public prosecutor. In May 2001, two women accused a police officer of raping them in jail while they were serving a sentence on drug charges. The officer was suspended from duty and released on bail. The rape case against him was still being tried at year's end.

Police and prosecutors continued to investigate a November 2000 incident in which villagers allegedly paid by the Government violently dispersed a protest by the NGO Assembly of the Poor at the Pak Moon dam, seriously injuring 4 protesters and burning more than 500 temporary shelters. However, according to activists, the only charges filed in the matter were against the demonstrators for trespassing on state property. Some of these cases were dismissed during the year; others remained in trial at year's end (see Section 2.b.).

Corruption remained widespread among police officers. Police officials complained that low pay for members of the police force made them susceptible to bribes.

Some corrupt police and soldiers were involved in prostitution and trafficking in women and children (see Sections 5 and 6.f.).

In July a bomb exploded in an empty train car in Yala. No one claimed responsibility and the police made no arrests in the case by year's end. On June 4, at least two high school students were killed when a school bus driving in Ratchaburi Province near the Burma border was attacked by three gunmen dressed in military fatigues. A 36-year-old Karen man, who admitted to

possessing illegal firearms and entering the country illegally, but who denied firing shots at the bus, was arrested. At year's end, he still was in custody and awaiting trial while two other suspects still were being sought.

Prison conditions were poor but in general they did not pose a serious threat to the life or health of inmates. Already severe prison overcrowding worsened during the year due to increased numbers of persons imprisoned for drug-related offenses. The total prison population of approximately 256,000 inmates was housed in 156 prisons and detention centers, with a total design capacity of 100,000 prisoners. Sleeping accommodations and access to medical care remained areas of concern. Medical care in prisons was inadequate. The Corrections Department employed only 10 full-time doctors and 6 full-time dentists. There were 10 part-time doctors and 47 full-time nurses who supplemented the permanent medical staff. Prison authorities sometimes used solitary confinement to punish difficult prisoners. They also used heavy leg irons as a means of controlling and punishing prisoners. Credible sources continued to report that prisoners captured in escape attempts were beaten severely. Male and female prisoners in official detention centers and prisons were segregated. Juveniles were held separately in 34 of the 76 provinces, but they were tried in the same courts as adults (see Section 5). Men, women, and children often were held together in police station holding cells pending indictment.

Conditions in Bangkok's Suan Phlu Immigration Detention Center (IDC) improved during the year; however, conditions in nine provincial detention centers remained poor. Immigration detention facilities were not administered by the Department of Corrections and were not subject to many of the regulations that govern the regular prison system. There were credible reports of physical and sexual abuse of detainees by guards in some of the nine provincial detention centers. Overcrowding was a serious problem at all of the facilities.

Access to prisons was not restricted, and the Government permitted visits by independent human rights monitors and the International Committee of the Red Cross.

#### d. Arbitrary Arrest, Detention, or Exile

With few exceptions, including crimes in progress, the law requires police officers making an arrest to have judicial warrants, and authorities generally respected this provision in practice. Under the Constitution, persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. Detainees have a right to have a lawyer present during questioning, and the police generally respected this right in practice. Foreign prisoners sometimes were forced to sign confessions without the benefit of a competent translator.

Police are required to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest; however, the law also allows an extension period of up to 3 days. Police also may seek court permission to hold suspects for additional periods (up to a maximum of 82 days for the most serious offenses) to conduct investigations. In addition, laws and regulations place any offense for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have different procedures. In these cases, police are required to submit cases to public prosecutors within 72 hours of arrest. Lawyers reported that the police rarely brought their cases to court within the 48-hour period. There is a functioning bail system. In August several Bangkok-based NGOs reported that police raided offices of two Burmese dissident groups. Several persons were detained. Most carried no documents of their nationality or immigration status. Some subsequently were released while others were released at the border. The police did not turn the dissidents over to the Burmese authorities. It remained unclear who ordered the arrest of the dissidents and whether it was a deliberate attempt to suppress anti-Rangoon political organizations operating in the country. During the year, several Burmese activists were arrested (see Sections 2.b. and 4).

The Anti-Communist Activities Act, which formerly provided the only legal basis for detention by the police without specific charges for long periods (up to 480 days), expired in June 2001.

Approximately 28 percent of the total prison population were pretrial detainees. Pretrial detainees usually were not segregated from the general prison population. Pretrial detention of criminal suspects for up to 60 days was common. Some foreigners from countries without diplomatic representatives in the country faced trial delays of up to 8 months (see Section 1.c.).

The Constitution prohibits forced exile and the Government did not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary generally was regarded as independent, it sometimes was subject to corruption. In April the press reported that two judges were suspended from their duties on charges of abuse of power and malfeasance, and that a third was under investigation on similar charges.

The civilian judicial system has three levels of courts, as well as an independent Constitutional Court: courts of first instance; courts of appeal; and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law (last imposed in 1992). There is no right to appeal military court

decisions. The Constitutional Court, charged with interpreting the Constitution, began operating in 1998. In August 2000, the courts became fully independent of the Ministry of Justice and responsible for their own administration and budget. Islamic (Shari'a) courts hear only civil cases concerning members of the Muslim minority. Access to courts or administrative bodies to seek redress is provided for and respected.

There is no trial by jury. A single judge decides trials for misdemeanors, and two or more judges are required for more serious cases. Trials often require years to complete because they run sporadically, typically convening for a single day every few months. While most trials are public, the court may order a closed trial. This is done most often in cases involving national security or the royal family. Justices nominated to both the Constitutional Court and the Supreme Administrative Court must be confirmed by the Senate; judges at all other levels are career civil servants whose appointments are not subject to parliamentary review.

The Constitution provides for the presumption of innocence. Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provided free legal advice to the poor, but indigent defendants are not provided with counsel at public expense automatically. Most free legal aid comes from private groups, including the Law Society of Thailand and the Thai Women Lawyers Association.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Except for limited exceptions, the Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. With a few exceptions, including crimes in progress, the Constitution requires police to obtain a warrant from a court prior to conducting a search. During the year, the Criminal Procedure Code was amended to standardize procedures for issuing warrants. All warrants are issued by the courts rather than by the police.

NGOs concerned with the welfare of highlanders reported that police and military units carried out several warrantless searches of villages for narcotics in northern provinces during the year. Such operations are permitted under both the Constitution and the Narcotics Prevention and Suppression Act of 1976 in cases in which there is reasonable suspicion and an urgent search is deemed necessary. However, some academic groups claimed that the searches were arbitrary and violated the villagers' civil rights. The Anti-Communist Activities Act, which allowed officials to engage in "Communist suppression operations" to conduct searches without warrants, expired in June 2001 and was not replaced with a similar law (see Section 1.d.). In July an activist working to promote citizenship for hill tribe people was detained briefly by the police in Chiang Mai, who then searched her home and her mother's home for narcotics. The activist believed that the police actions were a form of official harassment intended to discourage her work on behalf of stateless hill tribe people. The Chiang Mai provincial police commander and the NHRC launched separate investigations that were ongoing at the end of the year. In June 2001, the National Counter Corruption Commission found two Telephone Organization of Thailand technicians responsible for malfeasance in the June 2000 wiretapping of the residential telephone of Wira Somkhwamkhit, an anticorruption activist (see Section 4).

Security services monitored persons, including foreign visitors, who espoused extremist or highly controversial views.

### Section 2 Respect For Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for a large measure of freedom of speech and freedom of the press, and the Government generally respected these rights in practice, although several media outlets perceived to be critical of the current Government came under pressure during the year. The Government may restrict freedom of speech and freedom of the press to preserve national security, to maintain public order, to preserve the rights of others, to protect public morals, to prohibit criticism of the royal family, or to prevent insults to Buddhism.

The Constitution makes it unlawful for the Government to censor, ban, license, or restrict print or broadcast media, except by specific legislation in times of crisis. While newspapers and periodicals practiced some self-censorship, especially with regard to the monarchy and issues involving national security, media criticism of political parties, public figures, and the Government was common and vigorous. During the year, there were no cases of violence or physical intimidation against members of the press.

Journalists generally were free to comment on governmental activities without fear of official reprisal, although there were attempts by the Government to suppress journalists or publications perceived to be critical of government officials or their families.

In February the Government revoked the visas of two resident foreign journalists who reported for the Far Eastern Economic Review, on the basis that their presence in the country was a threat to national security and social stability. The Hong Kong-based editor and the publisher of the magazine also were placed on an immigration "blacklist" following the January publication of an unattributed, one-paragraph piece that reported on alleged disagreements between the Prime Minister and the King. The police confiscated the edition of the magazine that ran the article from newsstands. The visa cancellation order was rescinded

and the journalists were removed from the blacklist after the magazine's editors issued a letter of apology to Parliament.

During the year, the government's Anti-Money Laundering Office (AMLO) ordered 17 banks to provide information concerning the financial activities of prominent journalists and leaders of some NGOs considered to be critics of the Government. Critics alleged that the AMLO, which has the authority to investigate persons suspected of money laundering, did not have probable cause to investigate the journalists or the activists. The AMLO dropped the controversial asset probes shortly before the Administrative Court issued an injunction to halt the investigations. A government panel established to investigate the scandal eventually exonerated the staff of the AMLO. Nonetheless, several of the journalists and activists targeted initiated civil suits against the AMLO and its top officials. The lawsuits were ongoing at year's end. In March the publisher of Naeo Na newspaper revealed that the Prime Minister asked him to drop a popular column harshly critical of the Government. The publisher refused to drop the column, and the Government took no action against him or his newspaper.

During the year, the Police Special Branch did not issue any warnings to publications for violations of the 1941 Printing and Advertisement Act such as disturbing the peace, interfering with public safety, and offending public morals. However, the local distributor of the British publication *The Economist* voluntarily decided not to distribute the March 2 edition of the magazine, which featured a special survey on the country that included commentary on the Royal Family.

In March 2001, the *Nation* newspaper received a telephone call from the Special Branch, which accused the newspaper of endangering national security for printing a story critical of Foreign Minister Surakiart Sathirathai's trip to Burma. In July 2001, the newspapers *Thai Rath* and *Krungthep Turakit* received warning letters from the Special Branch after they made reference to a Reuters wire service article that speculated on the consequences if Prime Minister Thaksin Shinawatra was found guilty of assets concealment by the Constitutional Court. The case of four noncommissioned army officers arrested in the April 2000 nonfatal shooting of the Editor in Chief of the Chiang Mai daily newspaper *Pak Nua* was being tried at year's end. The editor believed that his repeated critical reporting on the local government led to the assault. NGOs criticized the Government for the slow pace of the trial and the lack of followup in key areas of the investigation of the attempted killing. Two other civilian suspects wanted for questioning by police remained at large.

The Printing and Advertisement Act permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. No such closures occurred during the year. The Juridical Council approved the revocation of the act, but final revocation awaits approval by the Council of State.

The law allows police to restrict or to confiscate printed publications and other materials deemed obscene; the interpretation generally was limited to hardcore pornographic material.

Domestic publications continued to present a wide range of political and social commentary. Unless critical of the Royal Family or the Monarchy, foreign and domestic books normally were not censored and circulated freely. Police had the authority to ban the importation of publications but generally did not exercise it. In June 2001, the 1952 Anti-Communist Activities Act, which was created to counter the threat of communism through media restriction, expired.

Radio and television stations enjoy the same constitutional protections of freedom of expression and freedom of speech as the print media. The Government licenses all radio and television stations, and most are operated under the direct or indirect oversight of the Government or the armed forces. Radio and television station profits are retained by organizations that control frequencies, such as government ministries, universities, and the military services.

Ownership of media outlets by governmental and quasi-governmental entities undermined freedom of press provisions several times during the year. There was one cable television network that was owned by the *Nation Multimedia Group* and operates exclusively on cable television. In March *Nation TV's* broadcast of an interview with a strident critic of the Government was interrupted, although simultaneous radio broadcast of the interview continued. The Military Energy Department, which owned the radio frequency used by the *Nation Multimedia Group*, subsequently directed the concession holder to remove all *Nation* news programs containing commentary or talk programming from their radio station. The Mass Communications Authority of Thailand, the quasi-governmental corporation that owned the cable television broadcast syndicate the *United Broadcasting Corporation (UBC)* directed UBC officials to ban five journalists, all critics of the Government, from appearing on *Nation Television*.

The Constitution calls for fewer restrictions on broadcast media and the establishment of an independent National Broadcasting Commission (NBC) to oversee frequency management. The seven Commission members were expected to be selected from four broad categories: the Government, broadcasting, NGOs, and universities. Selection of the NBC was postponed due to a lawsuit filed in the Administrative Court in 2001 alleging conflict of interest and corruption in the nomination process. In March the Administrative Court ruled in favor of the plaintiff and ordered the rejection of all of the proposed candidates. The case remained under appeal at year's end. The NBC was to be authorized to redistribute frequencies previously controlled by the Government to eligible organizations or individuals in the country. The media criticized the proposed implementation regulations, arguing that they contained broad censorship powers and allowed the Government to retain a large number of its frequencies.

Repeated delays in the implementation of broadcast media reform contained in the 1997 Constitution resulted in attempts by

some community radio broadcasters to establish their own small studios and transmitters. Because current broadcast regulations restrict radio frequencies to government entities, these independent community radio stations technically are illegal. During the year, several independent community radio broadcasters requested legislative intervention after receiving cease and desist notices from the Public Relations Department. Parliamentary hearings were scheduled for late in the year. At year's end, about 60 (of 200) community radio stations continued to operate. By year's end, there still was no implementing legislation for broadcast media reform.

The military services retain 40 to 50 radio and television frequencies for national security purposes, despite assurances by the civil authorities that the military services may use all broadcasting frequencies in the event of a national emergency without the need to own them.

Radio stations must renew their licenses every year, and their signals are broadcast via government transmitters. They are required by law to broadcast government-produced newscasts twice daily, 30 minutes each in the morning and evening.

There was one cable network which was autonomous. However, one of the principal owners maintained closed ties to the Prime Minister.

There was one independent, noncable television station, Independent Television (ITV); its managing shareholder was Shin Corporation, which was owned by the Prime Minister's family. Programmers generally were free to determine the nature and content of television broadcasts. Stations occasionally censored or "blackened out" portions of programming that they deemed politically sensitive or pornographic. Such self-censorship was more common at state-controlled stations. In February 2001, 21 ITV staff members were fired one day after they formed a union and publicly complained of political interference in the station's editorial content (see Section 6.a.). The station's management cited breach of company regulations and restructuring as the basis for the firings. In September the central labor court ordered that the 21 union members fired by ITV be reinstated (see Section 6.a.). In August 2001, the Thai Broadcast Journalist Association filed a lawsuit against the Prime Minister in the Administrative Court, accusing him of 14 instances of editorial interference that violated the constitutional provision of press freedom. The case was pending at year's end. A censorship board existed as part of the office of the Prime Minister; however, it rarely formally restricted television or radio broadcasts. It advised broadcasters either verbally or by letter of specific programs deemed inappropriate or offensive, and advised the programmer to be more careful in the future.

Under the 1930 Film Act, theater owners and broadcasters must submit films that they plan to show to the film censorship board for review. The board is composed of officials representing the Ministry of Education, the Ministry of University Affairs, the military, the Department of Religious Affairs, and the Ministry of Foreign Affairs. The board may ban films if its requirements that portions of the film be removed are not met. Reasons for censoring films include violating moral and cultural norms and disturbing the public order and national security. Theater owners and broadcasters frequently censor films themselves before submitting them to the board. According to the office of the Film Censorship Board, of the 185 films submitted for review in 2001, 2 were banned.

Activity on the Internet remained unregulated. As of the end of 2001, according to the National Electronics and Computer Technology Center, an estimated 3.5 million persons used the Internet.

The Constitution provides for the right to engage in academic pursuits, and academic freedom generally was respected. The Ministry of Education edits public school textbooks. No textbooks were censored during the year. However, in February, police officers and officials from the Ministries of University Affairs and Defense visited the office of Assumption University's ABAC Polls, a well-respected survey organization, following the release of public opinion poll results about leading political figures. The officials requested to see the results of future polls before they were released. ABAC Polls chose not to comply with the request and did not experience any subsequent ramifications.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Permits are not required for private meetings or gatherings unless held on public property or organized by foreign nationals; these are granted routinely.

In November 2000, in Ubon Ratchanthani Province, villagers allegedly paid by the government's electric power authority violently dispersed a longstanding protest at the Pak Moon dam by the Assembly of the Poor, an NGO focusing on issues of poverty and the environment. The villagers seriously injured 4 protesters and burned more than 500 temporary shelters. The protesters argued that the dam displaced local residents and negatively affected their livelihoods and the environment. At year's end, charges were brought against the protesters, several of whom were charged with trespassing on state property. On December 20, several protestors and 15 police officers were injured during a protest in Hat Yai against building the Thai-Malaysia pipeline. Twelve protest leaders were arrested and subsequently released on bail. Human rights organizations, media, student groups, and NGOs criticized the alleged brutality and Prime Minister Thaksin's support of the police. On December 22, the Prime Minister said that the Government was willing to work with NGOs, but would blacklist and take serious action against any groups and "mob leaders" condoning the use of violence. On December 23, a Commissioner of the NHRC said that he would set up a sub-committee to investigate the incident. Also in December, 21 Burmese activists were arrested when police in Mae Hong Son broke up a meeting commemorating International Human Rights Day. Seven of the activists were released, while 13 others were tried and taken to the border for repatriation. At year's end, the organizer of the meeting remained in police

custody (see Section 1.d).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Private associations must register with the Government; such registration was approved routinely.

#### c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice; however, it restricted the activities of some groups. The Constitution requires that the monarch be a Buddhist. The state religion is in effect Theravada Buddhism; however, it is not designated as such.

The Government played an active role in religious affairs. The Religious Affairs Department (RAD), which is located in the Ministry of Education, registered religious organizations. To register a religious organization first must be accepted into an officially recognized ecclesiastical group. There were seven such groups, including one for Buddhists, one for Muslims, one for Catholics, and four for Protestant denominations. Government registration conferred some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Although some activities of groups that were not accepted into one of the existing recognized groups were restricted, in general, unregistered religious organizations operated freely. There were no reports of the extortion of unregistered groups by local officials during the year.

Under the provisions of the Religious Organizations Act, the RAD recognizes a new religion if a national census shows that it has at least 5,000 adherents, a uniquely recognizable theology, and is not active politically. However, since 1984 the Government has maintained a policy of not recognizing any new religious faiths. This restricted the activities of some groups that were not accepted into one of the existing religious governing bodies on doctrinal or other grounds.

The Constitution requires the Government "to patronize and protect Buddhism and other religions." The Government subsidized the activities of the three largest religious communities (Buddhist, Islamic, and Christian). Since mid-2001 the Government has provided more than \$52 million (2.2 billion baht) to support Buddhist and Muslim institutes of higher education; to fund religious education programs in public and private schools; to provide daily allowances for monks and Muslim clerics who hold administrative and senior ecclesiastical posts; and to subsidize travel and healthcare for monks and Muslim clerics. This figure also included an annual budget for the renovation and repair of Buddhist temples and Muslim mosques, the maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani.

During the year, the Government also provided \$66,000 (3 million baht) to Christian organizations to support social welfare projects. Catholic and Protestant churches may request government support for renovation and repair work but do not receive a regular budget to maintain church buildings nor do they receive government assistance to support their clergy. The Government considered donations made to maintain Buddhist, Muslim, or Christian buildings to be tax-free income; contributions for these purposes were also tax-deductible for private donors.

Religious instruction is required in public schools at both the primary (grades 1 through 6) and secondary (grades 7 through 12) education levels. Instruction is limited to Buddhism and Islam.

In February 2001, Falun Gong members voluntarily decided not to proceed with plans to organize an international meeting in Bangkok, originally proposed for April. Their decision was in response to unofficial indications from the Government that it did not favor such a conference. In the past, the Government has investigated religious groups alleged to be engaged in "cult" activities.

The Government permitted foreign missionary groups to work freely throughout the country, although it also maintained policies that favored proselytizing by citizens. The number of foreign missionaries officially registered with the Government is limited to a quota that originally was established by the RAD in 1982. The quota is divided along both religious and denominational lines, but religious organizations reported that unregistered missionaries were able to proselytize during the year. Activities of Muslim professors and clerics were subjected disproportionately to scrutiny on national security grounds because of continued government concern about the potential resurgence of Muslim separatist activities in the south.

Muslims, who represented between 5 and 10 percent of the country's population nationwide and constituted the majority in four of the five southernmost provinces that border Malaysia, also experienced some economic discrimination. The Government continued to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities.

Muslim female civil servants were not permitted to wear headscarves when dressed in civil servant uniforms. Muslim female civil servants who were not required to wear uniforms were allowed to wear headscarves. In practice, most female civil servants were permitted by their supervisors to wear headscarves if they wished to do so, particularly in the country's southernmost provinces.

Women were not permitted to be ordained as monks. In addition, many religious schools only accepted males (see Section 5). Laws prohibiting speech likely to insult Buddhism remained in place. The police have authority under the law to issue written



warnings or orders suspending the publication or distribution of printed materials considered offensive to public morals; however, they did not use it to restrict the publication or distribution of religious literature during the year.

For a more detailed discussion, see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of citizens to change their residence or workplace, and authorities generally respected this right in practice; however, there were some exceptions. Longstanding written restrictions on the travel and domicile of certain Vietnamese resident aliens who immigrated to the country in 1945 and 1946, and Chinese who immigrated between 1953 and 1961, remained in place. In addition, other longtime noncitizen residents, including hundreds of thousands of ethnic Shan and tens of thousands of other tribal members, officially are required to seek permission from local authorities or the army for foreign and domestic travel. In practice authorities rarely enforced these restrictive measures. Registered resident aliens moved freely within the country.

The Government limited the sectors and provinces in which migrant workers may hold jobs. The Government deported thousands of migrant workers and families during the year. However, NGOs and the International Organization for Migration (IOM) reported that a large number of those deported later returned to the country (see Section 6.e.).

The Government did not extend displaced person status to the large number of members of the Shan ethnic minority who crossed the border fleeing the effects of forced relocation and sporadic fighting in Shan State, Burma. However, in May the Government granted temporary shelter to approximately 450 Shan who fled fighting in Burma across the border from Chiang Mai Province. In June the Government announced plans to repatriate the group. The Government later delayed the repatriation following an appeal by NGOs.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. There is no legislation regarding the treatment of refugees. However, the Government continued to provide first asylum to a small number of Lao asylum seekers. The Government continued to allow the U.N. High Commissioner for Refugees (UNHCR) to monitor and provide protection to 133,000 Burmese refugees designated by the Government and the UNHCR as displaced persons in 10 camps along its frontier with Burma. However, the Government prohibits the UNHCR from maintaining a permanent presence in the border camps.

Along the border with Burma, the Government generally followed its policy of providing first asylum to new displaced arrivals. In 1999 provincial screening committees were established to determine eligibility to enter the refugee border camps based upon very narrow criteria, limited to those who flee actual fighting rather than on broader grounds of persecution on the basis of race, religion, ethnic group, social class, or political opinion. However, Ministry of Interior officials in the border provinces opted not to convene new boards during the year, causing the unregistered population in the refugee camps to increase substantially.

In June and August 2000, the Government forcibly repatriated 116 Burmese deemed ineligible for assistance. The UNHCR unsuccessfully appealed on behalf of those asylum seekers. Most of those who returned to Burma reportedly returned to the camps. In January the Maneeloy Burmese Center located in Ratchaburi Province and which housed Burmese "student" refugees was closed and the residual population was transferred to the refugee camp Tham Hin located near the border with Burma. Tham Hin housed more than 9,300 persons from Burma, mostly Karen. A new section was created to receive the Maneeloy residual population.

The Government continued to allow NGOs to provide food, medical services, housing, and other services to Burmese refugees near the border. However, the Government did not allow NGOs to aid ethnic Shan refugees. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as "persons of concern" by the UNHCR. Those arrested generally were taken to the border and released.

The Government maintained a blacklist of persons who were not permitted entry into the country (see Section 2.a.).

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to choose or change their government peacefully through free and fair elections based on universal suffrage. The country is a democratically governed constitutional monarchy. Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or dissolve the elected bicameral Parliament. Voting is compulsory. Eligible voters who fail to exercise their voting responsibilities, except for those excused, are subject to the loss of certain rights, including the right to be a candidate in future elections. However, the Constitution prohibits Buddhist monks and nuns from seeking public office. Parliamentary elections were held in January 2001. The election process generally was viewed as free and fair; however, it was marred by widespread vote buying, a recurrent problem. Exercising its constitutional mandate to prevent election fraud, the Election Commission dismissed polling results and held a total of 5 rounds of revotes in 72 constituencies due to "election irregularities." There also were 25 killings of political canvassers during the campaign leading up to the 2001 elections, at least some of which were

motivated politically (see Section 1.a.). In February 2001, the coalition Government of Prime Minister Thaksin Shinawatra's Thai Rak Thai Party was formed.

In August 2000, the first directly elected Senate took office. The Senate election required multiple rounds of voting for some districts because the Election Commission voided some results due to irregularities such as evidence of vote buying. In October 2000, the Constitutional Court ruled that the Election Commission could disqualify a candidate whom the Commission finds guilty of electoral irregularities.

While there were no legal restrictions on their political participation, the percentage of women in government or politics does not reflect accurately their numbers in the population, especially at senior levels in the national government. There were 45 women among the 500 members of the House of Representatives, and 20 women in the 200 member Senate. There were 3 women in the 36 member Cabinet. Although over half of civil service employees were women, relatively few held senior positions.

No laws prohibited the political participation of ethnic minorities, but few held positions of authority in national politics. Muslims from the south hold significant elected posts in the Government, although they continued to be underrepresented in appointed local and provincial government positions. There were 8 Muslim Senators and 22 Muslim Members of House of Representatives, including Interior Minister Wan Muhamad Noor Matha. Two Members of Parliament were hill tribesmen.

Noncitizen members of hill tribes were barred from participating in the political process (see Section 5).

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally work without government restriction, investigating and publishing their findings on human rights cases freely. Government officials generally were cooperative and responsive to their views; however, at times the Government hindered the activity of a few human rights groups.

There were several NGO human rights groups that were effective in drawing international attention to perceived human rights violations. In many cases they brought such violations to the attention of the NHRC as well as to the media. In general NGOs were allowed to operate freely. However, NGOs that dealt with sensitive political issues, such as the Burmese democracy movement, faced considerable harassment. In addition, Amnesty International and other NGOs were critical of what they alleged to be the government's use of anti-money laundering laws to investigate and harass NGO leaders.

Very few NGOs were accorded tax-exempt status, and this sometimes hampered the ability of domestic human rights organizations to secure adequate funding.

In August the police simultaneously raided three or four houses in the border town of Sankhlaburi which were being used as offices by NGOs working to promote democracy in Burma. Police detained 31 Burmese democracy activists and confiscated office equipment and files. All were taken to the border and released. The police did not hand them over to the Burmese authorities (see Section 1.d.).

The 11 member NHRC convened for the first time in July 2001. It operated as a separate government entity to prepare an annual evaluation of the human rights situation for the National Assembly, to propose policies and recommendations for amending laws to the National Assembly, to promote measures to educate citizens on human rights, and to investigate human rights abuses. Although the Commission received over 300 petitions during its first year in existence, modest staffing and resources, as well as the lack of power to prosecute or to punish violators, hampered its ability to carry out its mandate.

In June 2001, the National Countercorruption Commission found two Telephone Organization of Thailand (TOT) technicians responsible for criminal and disciplinary violations in connection with the wiretap surveillance of Wira Somkwamkhit, Chairman of the People's Rights Protection Group, an anticorruption NGO. Wira was investigating corruption charges against former Deputy Prime Minister Sanan Khrachonprasat, who was forced to resign after the Commission found that he falsified financial statements. Although the two technicians were fired by TOT, the Commission was unable to identify the person who ordered the wiretaps by year's end (see Section 1.f.).

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status; however, in practice some discrimination existed, and government enforcement of equal protection statutes was uneven.

##### Women

Domestic abuse continued to be a serious problem affecting the welfare of many women; reliable reports indicated that domestic abuse occurred across all social classes. Specific laws concerning domestic violence have not been enacted. Spousal and child abuse are covered by assault provisions in the Criminal Code, but rules of evidence often made prosecuting such cases difficult. Police did not enforce laws against such violence vigorously, and domestic violence often went unreported,

because many victims and law enforcement personnel continued to regard domestic abuse as a private matter rather than a legal one. NGO-supported programs designed to aid victims included emergency hotlines, temporary shelters, counseling services, and a television program designed to increase awareness of domestic violence, HIV/AIDS, and other issues involving women. The government's "one-stop" crisis centers, located in state-run hospitals, continued to care for abused women and children, but faced budget difficulties.

Rape is illegal. However, a husband may not be prosecuted for spousal rape. According to academics and women's rights activists, rapes and domestic assaults were underreported, in part because law enforcement agencies widely were perceived to be incapable of bringing perpetrators to justice. Police sought to change this perception and encouraged women to report sexual crimes through the use of teams of female police officers that operate in metropolitan Bangkok police stations, with a total of 20 female investigators. During 2001 the police expanded this program to three provinces by adding an additional nine female officers.

Prostitution is illegal but flourishes. It often was protected by local officials with a commercial interest in it (see Sections 1.c. and 6.f.). Trafficking in women and children for prostitution was a serious problem (see Section 6.f.). Government and NGO estimates of the number of women and children engaged in prostitution varied widely. Many NGOs and government departments reported a figure of 200,000 persons, which was considered conservative. This figure included children under 18 years of age and foreigners. There were reports that women were forced into prostitution in border areas, but the number of such cases was difficult to determine. The majority of prostitutes were not kept under physical constraint, but a large number worked under debt bondage (see Sections 6.f.). The 1996 Prostitution Prevention and Suppression Act makes child prostitution illegal and states that customers who patronize child prostitutes are subject to criminal sanctions. Parents who allow a child to enter the trade also are subject to criminal sanctions, but the number of prosecutions remained low. NGOs and government agencies provided shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism was a problem (see Section 6.f.).

The 1998 Labor Protection Act makes sexual harassment illegal, but covers only persons working in the private sector. NGOs claimed that the term was vague and that such ambiguity made the prosecution of harassment claims difficult. No sexual harassment cases were prosecuted under the law during the year. However, in September, a female journalist accused a senior political figure of sexual harassment. The politician in turn filed a libel lawsuit against her newspaper. The case was pending at year's end. Extensive media coverage of the case suggested that public awareness of the issue was increasing.

The Constitution provides women with equal rights and protections, but some inequalities in the law remained. A man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has acknowledged publicly another woman as his wife.

Women had equal access to higher education, and more than half of the university graduates this year were women. However, police and military academies (except for the nursing academy) did not accept female students, although a significant number of instructors at the military academies were women. Women constituted 44 percent of the labor force and held an increasing share of professional positions. Women also were able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring was common, and there was a significant gap between the average salaries earned by men and women, because women were concentrated in lower paying jobs. In practice women also received lower pay for equal work in virtually all sectors of the economy. According to the Legal Affairs Division of the Thai Civil Service Commission, a civil servant must "dress properly." In June a parliamentary committee ruled that women Members of Parliament were allowed to wear trousers while in Parliament.

The Constitution specifies that at least one-third of the members of the NHRC be women; during the year, 5 of the 11 commissioners were women. The Women and Constitution Network, a league of 35 women's organizations, advocated legal reforms to address inequities in the treatment of women. It continued to play an important role in securing the inclusion of gender-equality clauses in legislation that created new government organizations mandated by the 1997 Constitution.

#### Children

In recent years, the Government took steps to promote the rights and welfare of children. The Constitution provides for the right of access to free public education through grade 12, and the Government mandates 9 years of compulsory education. However, only an estimated 23 percent of children completed grade 6, and 10 percent completed grade 12. The government's 1997 Social Welfare Plan for Underprivileged People doubled the budget for children's programs for 1997-2001, compared with the previous 5-year plan. Young girls were barred from religious schools which were often the only form of education for impoverished children. Although special juvenile courts and detention centers existed in 34 provinces, children were tried in the same courts as adults and detained with adults in the rest of the country (see Section 1.d.).

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment provide for harsher penalties if the victim is a child. In May a police lieutenant colonel and a sergeant were arrested and charged with statutory rape

in the case of a 12-year-old girl sold into prostitution by her mother (see Section 6.f.). During the year, police were reluctant to investigate abuse cases, and rules of evidence made prosecution of child abuse cases difficult. In September 2000, legislation designed to protect witnesses, victims, and offenders under the age of 18 came into effect. The procedures allow children to testify on videotape in private surroundings in the presence of a psychologist, a psychiatrist, or another social worker. However, some judges refused to allow video testimony in their courts. Persons charged with pedophilia are charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Trafficking in children, including for prostitution, was a serious problem (see Section 6.f.). Pedophilia, both by citizens and by foreign sex tourists, continued. The Government, university researchers, and NGOs estimated that there were as many as 30,000 to 40,000 prostitutes under 18 years of age. The Prostitution Prevention and Suppression Act of 1996 made child prostitution illegal and provided for criminal punishment for those who use child prostitutes. Parents who allow a child to enter the trade also are punishable. In September the mother of two underage daughters, who provided them to sex tourists in Mae Sai in November 2000, was sentenced to 5 years in prison.

Child labor remained a problem, and some international organizations, government-funded research organizations, and news media continued to report on the large number of children leaving school for economic reasons (see Section 6.d.).

In late 2001, the Department of Public Welfare and the International Labor Organization-International Program for the Elimination of Child Labor (ILO-IPEC) estimated that as many as 20,000 children lived in the streets of the major urban centers. Many were thought to come from neighboring countries, including Cambodia and Burma. Although Bangkok authorities attempted to provide shelters, resources were inadequate and many of the children reportedly avoided the shelters for fear of being detained and expelled from the country.

There were many local NGOs that worked to promote children's rights in the country. Employers' organizations, such as the Employer's Confederation of Thailand, also were involved in child labor issues. These organizations received good working support from the Government.

#### Persons With Disabilities

The Constitution provides for access to public facilities and prohibits employment and education discrimination against persons with disabilities; however, the Government did not enforce these laws effectively.

In May the Constitutional Court upheld a judicial personnel law blocking persons with physical disabilities from becoming judges. The case was brought to the highest court after two persons with physical disabilities were denied the right to sit for the examination to become judicial officials. The Constitutional Court ruled that the personnel law does not contravene the Constitution, which proscribes unjust discrimination against a person on the grounds of physical or health conditions. At year's end, activists were appealing to Parliament to amend laws that allowed employment discrimination against persons with disabilities.

During the year, an estimated 145,000 children with disabilities attended school, with approximately 130,000 of them enrolled in 4,000 regular public schools equipped to accommodate students with physical disabilities. Nationwide, there were 9 government operated and 16 NGO operated training centers for persons with disabilities. However, with little education, very few adults with disabilities were able to find employment. Many of those who did find employment were subjected to wage discrimination. The law requires that private firms hire 1 person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision has not been enforced since it came into effect in 1991. Government officials estimated that between 20 and 30 percent of firms disregard the law. Some state enterprises had discriminatory hiring policies.

The Constitution mandates access to public buildings for persons with disabilities, but laws implementing the provisions have not yet been enacted. The 1999 regulation that makes compliance mandatory was not enforced during the year. Persons with disabilities who register with the Government are entitled to free medical examinations, wheelchairs, and crutches.

#### Indigenous People

Members of hill tribes without proper documentation, who accounted for approximately half of the estimated 1 million members of hill tribes, still faced restrictions on their movement, may not own land, and were not protected by labor laws, including minimum wage requirements. They sometimes were denied adequate education and health care. Those residing in national parks or wildlife sanctuaries were subject to eviction. As noncitizen residents, they also were barred from participating in the political process (see Section 3).

In May 2000, the MOI redefined the category of hill tribe residents eligible for citizenship to include previously undocumented tribal persons, now collectively called "highlanders." The new definition includes persons who formerly were defined either as indigenous or migrants. The new regulations were supposed to ease the requirements to establish citizenship by allowing a wider range of evidence, including testimony from references, and empowering local officials to decide cases. However, activists reported that widespread corruption and inefficiency at all levels, including among highland village headmen and government officials, caused the Government to miss the August deadline for citizenship processing for certain groups of

resident alien hill tribe members. The Government extended the deadline to August 2003.

In March the Ministry of Interior revoked the citizenship of 1,243 persons in Mae Ai district, Chiang Mai Province. Government officials claimed that irregularities in the issuance of their identification documents invalidated their claim to citizenship. NGOs petitioned the Government to review each case on an individual basis to avoid penalizing persons entitled to citizenship. By year's end, several individuals had successfully regained their citizenship after proving their parents were Thai.

Societal discrimination against hill tribe members, arising from widely held beliefs that they were involved in drug trafficking and environmental degradation continued. Hill tribes occasionally were subjected to indiscriminate searches of villages for illegal drugs (see Sections 1.a. and 1.f.). There were several allegations of mistreatment and abuse by the Third Army's Pha Muang Task Force, which jointly administers the hill tribe drug detoxification program with the Ministry of Public Health, the police, and the Ministry of the Interior. In Chiang Rai, provincial authorities require all drug addicts to register with village committees and to join the program. Those who registered were granted immunity from prosecution. The program was aimed at separating drug addicts from the traffickers. The army publicly acknowledged mistreatment occurred and promised to punish those found responsible for such abuses (see Section 1.a.).

#### National/Racial/Ethnic Minorities

The Sino-Thai population was well integrated and did not face discrimination. However, about 50,000 former Chinese soldiers and dependents of the Kuomintang army who fled China after the Communist takeover and approximately 45,000 Vietnamese immigrants who resided in 5 northeastern provinces lived under a set of laws and regulations that restricted their movement, residence, education, and occupation; however, these laws rarely were enforced (see Section 2.d.). According to government sources, over 22,600 children of Vietnamese immigrants and 6,209 children of Chinese Kuomintang immigrants from these groups have been naturalized. The Ministry of Interior suspended the naturalization program in December 1999, leaving many cases unresolved.

#### Section 6 Worker Rights

##### a. The Right of Association

The 1975 Labor Relations Act grants freedom of association to all private sector workers, who have the right to form and join unions of their choosing without prior authorization. However, the law did not explicitly protect workers who participated in organizing unions that were not registered officially from discrimination. Union leaders reported that employers often discriminated against workers seeking to organize unions. During the year, employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of unions.

In September the Central Labor Court ruled that 21 union members fired by ITV, a television station majority owned by the Prime Minister's family, be reinstated to their former positions. The ruling mirrored recommendations made in March by the International Labor Organization Committee on Freedom of Association (ILO/CFA). The workers alleged that they were fired for protesting political interference in news reports. The layoffs took place 1 day after the workers registered a new union in February 2001 (see section 2.a.).

In March ILO/CFA accepted its second-ever case from the country. Privatization of the state enterprise petroleum company resulted in a legal ruling dissolving the 200-member union at a subsidiary entity. The union rejected the government's recommendation to re-register under the deficient law covering the private sector, citing concern that the ruling was an important precedent for other state enterprises scheduled for privatization. Loopholes in the 1975 LRA, which provide less legal protection to newly formed unions were of particular concern. CFA recommendations were pending at year's end.

Less than 2 percent of the total work force, but nearly 11 percent of industrial workers and over 50 percent of state enterprise workers, were unionized. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the Government to diminish union cohesiveness, and the majority share of total employment that is in the agricultural and informal sectors often were cited as reasons for low rates of labor organization.

State enterprise unions do not have the right to join private sector federations. However, unofficial contacts between public and private sector unions continued, and the Government did not interfere with these relationships.

Some corrupt private sector union leaders were exploited by politicians or employers, but public unions generally operated independently of the Government and other organizations. Internal conflicts, corruption, and a lack of influential leadership continued to weaken the labor movement.

Unions were free to associate internationally with other trade union organizations, and they maintained a wide variety of such affiliations.

##### b. The Right to Organize and Bargain Collectively

The 1975 Labor Relations Act recognizes the right of private sector workers to organize and bargain collectively; to decide on the constitutions and rules of these associations and unions; to express their views without government or employer interference; to confederate with other unions; to receive protection from discrimination, dissolution, suspension, or termination by any outside authority because of union activities; and to have employee representation in direct negotiations with employers. The Labor Relations Act defines the mechanisms for collective bargaining and for government assisted conciliation and arbitration in cases under dispute. In practice genuine collective bargaining occurred only in a small fraction of workplaces and in most instances continued to be characterized by a lack of sophistication on the part of worker groups and autocratic attitudes on the part of employers. Wage increases for most workers came as a result of increases in the minimum wage, rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite committees may further limit union influence; many of these provincial committees excluded labor representatives and placed factory managers on the wage committees to represent worker interests. The Government sets wages for both civil servants and state-enterprise employees under the 2000 State Enterprise Labor Relations Act (SELRA).

The Government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large; however, it seldom invoked this provision and did not do so during the year. Labor law also forbids strikes in "essential services," which is defined much more broadly than in the ILO criteria, and includes sectors such as telecommunications, electricity, water supply, and public transportation as essential services. The law also prohibits termination of employment of legal strikers; however, some employers used unfavorable work assignments and reductions in work hours and bonuses to punish strikers. SELRA provides public sector employees in state enterprises the same rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state-enterprise workers. No strikes were disapproved during the year, and two legal strikes were held. There were 17 illegal strikes involving 4,065 workers during the year.

The law prohibits antiunion actions by employers; however, it also requires that union committee members be full-time employees of the company, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector. Workers also may seek redress for grievances through the Tripartite Labor Relations Committee. Redress of grievances for state-enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders who were dismissed unjustly usually were awarded only monetary compensation.

No separate labor legislation applied in the nine export processing zones, in which wages and working conditions often were better than national norms because of the preponderance of foreign based multinational firms.

#### c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor except in the case of national emergency, war, or martial law; however, while these provisions generally were enforced in the formal sector, forced labor in the informal sector remained a problem. The law specifically prohibits forced or bonded labor by children; however, such labor was known to occur (see Section 6.d.). During the year, there were reports of sweatshops in which employers prevented workers (primarily foreign migrants) from leaving the premises. There were no estimates of the number of such sweatshops, but the growing number of illegal aliens from Burma, Cambodia, and Laos increased the opportunities for such abuse. NGOs and the ILO reported thousands of underage boys and girls were brought into the country for labor on farms, in sweatshops, and very young children were used to work in street begging gangs.

In September the country's central labor court awarded back wages amounting to \$46,600 (2 million baht) to a group of 33 Burmese migrant women and girls who were held in indentured servitude. The group, including 21 minors, was brought 2 years earlier from Burma to a clothing factory in Bangkok where they were physically confined and subjected to forced labor. Upon arrival in Bangkok their wages were withheld for the first year of 14-hour days/6-day weeks of labor. After the first year, wages were set at between \$52 and \$59 a month (2,235 baht and 2,535 baht), which was approximately half the legal minimum wage (see Sections 6.e and 6.f).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment is 15 years of age. The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (from 10 p.m. to 6 a.m.), or in places in which alcohol is served, is prohibited by law. It was estimated that approximately 1 million children nationwide worked on family farms. NGOs reported that 2 to 4 percent of children between the ages of 6 and 14 years worked illegally in urban areas; such children were at risk of becoming victims of other abuses of labor laws. Most underage workers in urban areas worked in the service sector, primarily at gasoline stations and restaurants. Child labor was not evident in larger foreign-owned or domestic export-oriented factories. However, there was no comprehensive survey of child labor in smaller enterprises, since NGOs did not have access to shop house factories. Although there was no accepted estimate, the ILO and NGOs believed there were significant numbers of child domestic workers in the country. Minimum wage and age provisions of the 1998 Labor Protection Act do not apply to domestic workers, some of whom were believed to be under 15-years-old. NGOs reported child

domestic workers were predominantly foreign, migrating from Burma, Cambodia, and Laos. Most were in the country illegally, increasing their vulnerability to exploitation.

In July a child domestic worker from Burma suspected of theft was fatally beaten and burned, allegedly by her employers. NGOs also reported a case of a Burmese child domestic worker who was sold by her employers into forced prostitution. In both cases, there were no prosecutions by year's end.

During the year, the Department of Labor employed 680 full-time inspection officers. Enforcement of child labor laws was not rigorous, and inspectors usually responded only to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators was to negotiate promises of better future behavior, rather than to seek prosecution and punishment. Inspection of private homes to monitor the welfare of child domestic workers was hampered by the legal requirement to obtain a warrant. In August 1999, the Government attempted to address the problem of child labor in August 1999 by promulgating the National Education Act. The act raised the compulsory educational requirement from 6 years to 9 years of age, and offers 12 years of free education. Enforcement of the new provisions began in August (see Section 5). Observers believe that the problem of child labor in industry diminished due to enforcement of recent laws and increased public scrutiny. However, according to local NGOs and the ILO, the problem of street children (often foreign) working as beggars for organized gangs appeared to be increasing (see Section 6.c.).

The Ministry of Education provided various scholarships to approximately 6 percent of the country's primary students to allow them to remain in school. Lunch programs, tuition assistance for poor rural students, and scholarships for girls at risk were included. Approximately 60,000 volunteers, comprised of community leaders, parents, and teachers were appointed in villages to address child labor problems at the grassroots level.

The Protection Act codifies the worst forms of child labor. Although not all child domestic workers fell under the worst forms, many were at risk due to their age, gender (predominantly female), legal status, and working conditions.

The law specifically prohibits forced or bonded labor by children; however, forced child labor was a problem (see Section 6.c.).

#### e. Acceptable Conditions of Work

The minimum wage ranged from \$3.09 to \$3.91 (133 baht to 168 baht) per day, depending on the cost of living in various provinces. Minimum wages were set by provincial committees that sometimes included only employer representatives. This wage was not adequate to provide a decent standard of living for a worker and family. With extended family members' financial contributions, the minimum wage provided the basis for a marginally adequate overall standard of living. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements (applicable to the formal sector); however, nationwide, academics estimated one-third of formal sector workers received less than the minimum wage, especially those in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum-wage laws was mixed. Many labor laws, including the minimum wage law, do not apply to undocumented workers, primarily hill tribe members and illegal aliens. Unskilled migrant workers often worked for wages that were significantly lower than the minimum wage. An attempt to provide minimum wage protection to 580,000 migrants who registered in September 2001 largely failed due to weak enforcement.

The Government mandates a uniform maximum workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 35 hours per week. The petrochemical industry is excluded from these regulations.

Working conditions varied widely. The rate of injury from industrial accidents remained relatively constant over the last 10 years at 4.5 percent of the total work force. The Ministry of Labor stated that the average annual rate of work-related deaths was 15 per 100,000 workers. These rates applied only to industrial sector workers, however, and the rate of incidents occurring in the larger informal and agricultural sectors was thought to be higher by labor and grassroots groups. Occupational diseases rarely were diagnosed or compensated, and few doctors or clinics specialized in them. In medium-sized and large factories, government health and safety standards often were applied, but enforcement of safety standards was lax. In the large informal sector, health and safety protections were substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers with prohibitions on working night shifts, overtime, or holidays, as well as for those working with dangerous machinery or on boats.

The Ministry of Labor and Social Welfare promulgates health and safety regulations regarding conditions of work. Labor inspectors were responsible for enforcement of health and safety regulations; the maximum penalty for violations was 6 months imprisonment. Provisions in the Labor Protection Law include the establishment of welfare committees, which include worker representatives, in factories employing over 50 persons. These committees were to set and review health and safety conditions in each factory. There is no law affording job protection to employees who remove themselves from dangerous work situations.

Courts continued to hear testimony in the case of the 1993 Kader Toy Factory fire in which 188 persons were killed and 350 persons were injured.

Migrant workers, particularly those from Burma, faced significant hardships and physical danger during the year. In February, 17 migrant workers were killed and found in a stream along the border with Burma. Authorities believed the crime stemmed from an alien smuggling dispute. The following month, 13 more workers suffocated in a truck while being smuggled from the border to agricultural fields near Bangkok. Burmese labor activists alleged several incidents of Burmese commercial fishermen employed on Thai vessels who were killed at sea after disputes with their employers. Child domestic workers were at special risk of labor abuse (see Section 6.d.).

The Government deported 156,434 illegal workers during the year, most of them to Burma. NGOs reported that a large number of those deported returned soon thereafter. An attempt to inaugurate an orderly repatriation program for illegal Burmese migrants foundered when the border with Burma was unexpectedly closed between May and October. In late December, a small group of 20 illegal migrants, the first since the border closing, was repatriated to a Burmese government reception center in Myawaddy.

In September 2001, the Government undertook an open registration campaign directed at the estimated 1 million to 1.5 million illegal Burmese, Cambodian, and Lao workers already present in the country. Five hundred eight thousand migrants registered, and were allowed to remain in the country with specified employers for 1 year. Health care for the migrants (but not family dependents) was included in an imposed registration fee. Provisions of the 1998 Labor Protection Act technically were extended to this group, although lax enforcement meant that there was little real progress in improving migrant working conditions. In September the Government extended this program for 1 more year, but only for already registered migrants. The extension allowed workers to change employers.

#### f. Trafficking in Persons

The law prohibits trafficking in women and children; however, trafficking in persons was a serious problem. The country was a source, transit, and destination for trafficking in women and children for a variety of purposes, including indentured servitude, forced labor, and prostitution (see Section 5). Some local officials, immigration officers, and police reportedly either were involved in trafficking directly or took bribes to ignore it. The 1997 Prevention and Suppression of Trafficking in Women and Children Act increased the penalties for trafficking in women and children for the purposes of prostitution or slave labor, and provided for wide powers of search and for assistance to victims. There are also antitrafficking provisions in the 1996 Prostitution Prevention and Suppression Act. The authorities occasionally used these powers during the year, but the number of prosecutions remained small compared to the scope of the problem. A money-laundering law, which became effective in August 1999, included provisions to enable authorities to confiscate the assets of persons convicted of trafficking or engaging in the business of prostitution. In April the law was used for the first time in a major trafficking case in Chiang Rai. The outcome of the case still was pending at year's end.

Government and NGO estimates of the number of women and children engaged in prostitution in the country varied widely. Many NGOs and government departments reported a figure of 200,000 persons, which was considered a conservative estimate. This figure included children under the age of 18 years and foreigners. The number of victims of trafficking not involved in prostitution and including men, women, and children was unknown but believed to be substantial.

Within the country, women were trafficked from the impoverished Northeast and the North to Bangkok for sexual exploitation. Women also were trafficked internationally to Japan, Taiwan, Australia, Europe, and the United States, chiefly for sexual exploitation, but also for sweatshop labor. Men were trafficked into the country for farm, industrial, and construction labor.

Women and men were trafficked from Burma, Cambodia, the People's Republic of China (PRC), and Laos into the country for labor and sexual exploitation. Boys and girls were trafficked chiefly from Burma and Cambodia primarily for sexual exploitation and to work in begging gangs. Young children, either orphans or those sold by their families, were among them. For example, very young Cambodian children were employed by begging gangs in Bangkok. Occasionally entire families were trafficked for labor in sweatshops. Underage boys reportedly were brought into the country for specialized work in which small size was an advantage. Vietnamese citizens also reportedly were trafficked to the country in smaller numbers. According to domestic NGOs, girls between the ages of 12 and 18 years continued to be trafficked from Burma, southern PRC, and Laos to work in the commercial sex industry. Persons trafficked from the PRC often were in transit to other countries, although women and girls from Yunnan Province generally were destined for brothels in the north. Generally victims from Yunnan Province were lured into the country with promises of restaurant or household work and then were pressured or physically forced into prostitution.

The U.N. Economic and Social Council and NGOs believed that the lack of citizenship status for some hill tribe women and children was a strong risk factor for becoming victims of trafficking. Although this group was not a large percentage of trafficking victims, they were found in disproportionately large numbers in situations entailing the worst forms of trafficking.

Impoverished families sent or sold children to traffickers, often a neighbor, a local official, or some other respected local person. In May a police lieutenant colonel and a sergeant were arrested and charged with statutory rape in the case of a 12-year-old girl sold into prostitution by her mother. At year's end, the policemen had been suspended from duty and were awaiting trial (see Section 5). The victim was sent to the government's main rehabilitation shelter.



Sometimes villagers saw the local traffickers as friends offering a way out of poverty. Typically, local traffickers fed persons into larger networks, after which they exercised no further control and heard no more of them. Traffickers sometimes misrepresented the type of work and working conditions, and victims subsequently found themselves forced to remain and work in the border areas. Some women who contracted for other kinds of work found themselves coerced into the sex trade. Indentured work, both sex work and other labor, was also a problem.

Trafficking through the country to onward destinations tended to be conducted by citizens of the PRC and other international organized criminals. Trafficking into and within the country generally was conducted by domestic criminal elements.

There continued to be credible reports that some corrupt police, military, and government officials were involved directly in trafficking or taking bribes to ignore it (see Sections 1.c. and 5). Police personnel were paid poorly, and widely accustomed to taking bribes to supplement their income.

The majority of prostitutes were not kept under physical constraint, but a large number worked in debt bondage. Brothel procurers reportedly advanced parents a substantial sum against their daughter's future earnings, frequently without the consent of the young woman involved. The women were obligated to work in a brothel to repay the loan. In 2000, 21 minors trafficked from Burma and physically confined and forced to work in a Bangkok factory won back wages in a court ruling during the year (see Sections 6.e. and 6.d.).

Many Thai women were trafficked to Japan for purposes of sexual exploitation. Traffickers promised victims lucrative legitimate employment, or made false promises regarding wages, working conditions, or the nature of the work. According to Human Rights Watch, upon their arrival in Japan the traffickers confiscated the victims' passports, demanded repayment for their "purchase," and charged the victims for living expenses, care, and fined them for misbehavior. Traffickers often restricted the women's movements, threatened them and their families, isolated them, and used violence to punish them for disobedience.

Because foreign women frequently were unable to speak the language and were considered illegal immigrants, they particularly were vulnerable to physical abuse and exploitation. Some women were lured into the country with promises of jobs as waitresses or domestic helpers, but ended up working as prostitutes. Illegal immigrants had no rights to legal counsel or health care if arrested (see Section 2.d.). The amnesty provisions available under the UNHCR auspices did not apply to such women. In June 1999, a Memorandum of Understanding (MOU) between the Government and several domestic NGOs provided for some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The agreement stated that the training of police officers would include instructions to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Rather than being deported, they become the responsibility of the Public Welfare Department. However, implementation of the MOU continued to be erratic during the year, due to insufficient training of law enforcement officials and their unfamiliarity with the law.

Illegal immigrants generally were repatriated as soon as possible; however, in order to implement the new policy of humane treatment for victims of trafficking, Department of Public Welfare (DOPW) officials tried to refer underage and foreign women arrested for prostitution to one of the government shelter houses. Repatriation was delayed, but not canceled. Victims were encouraged to seek legal action against the traffickers, and they were told by DOPW personnel at the shelters that this was an option. Trafficking victims who provided evidence were repatriated back to their home countries afterwards. However, in general, trafficking victims were reluctant to assist in prosecution. This was due to mistrust of the authorities and fear of the traffickers, as well as the victim's limitations in education and language, and a desire to return home rather than to participate in lengthy criminal proceedings.

NGOs and government agencies continued to provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry during the year. However, the Government faced severe budgetary limitations on its ability to fight trafficking and to aid its victims. Two national committees were directed and empowered to combat trafficking, and these committees coordinated and cooperated with NGOs as well. The National Committee on Trafficking in Women and Children (NCTWC) was concerned primarily with counter trafficking efforts within the country, while the National Project Committee on Trafficking in Women and Children in the Mekong Subregion focused on regional efforts. Local enforcement officers were sometimes ignorant of new laws and regulations designed to protect victims and ignorant of the special requirements of antitrafficking work. Also, police officers did not view antitrafficking as a path to advancement because their superiors did not emphasize it. Narcotics and serious crimes were the preferred career concentrations, while the attitude that trafficking also qualified as a serious crime was only slowly developing. Another barrier for stricter enforcement was the court system, which could be cumbersome and time consuming (see Section 1.e.).